DOCUMENT RESUME

ED 027 643 24 EA 002 221

By-Piele, Philip K., Comp.; Hall, John S., Comp.

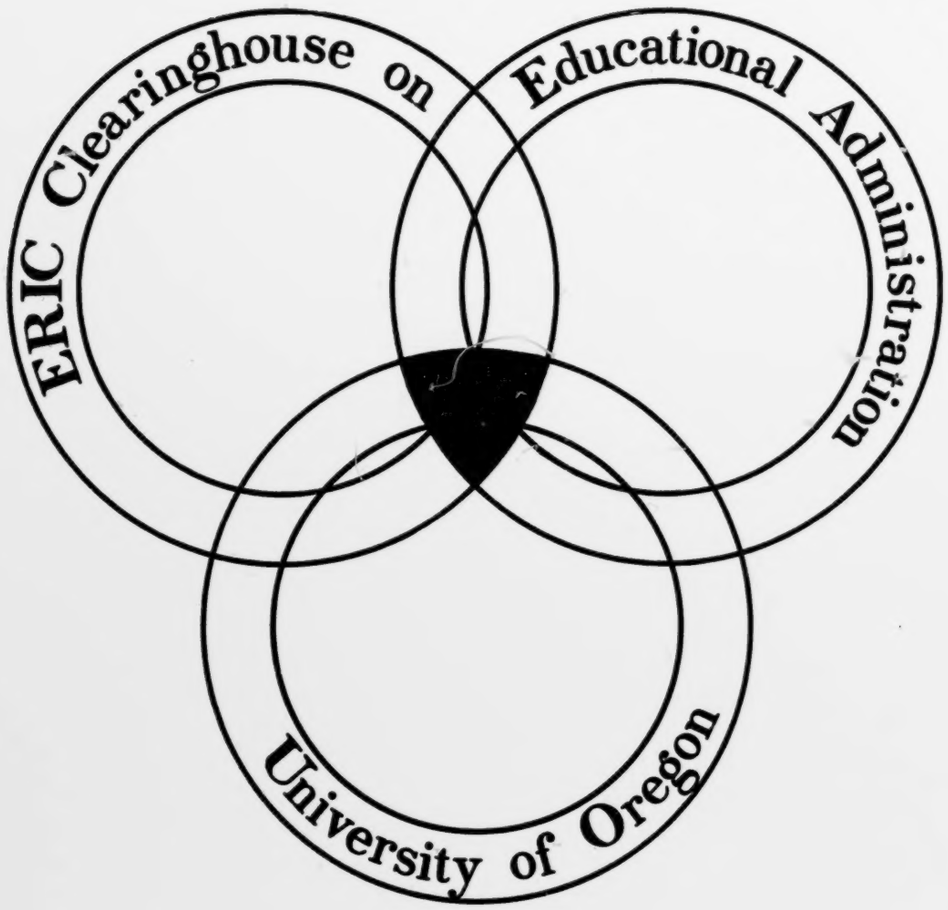
Administrator Techniques in Collective Negotiations: A Guide to Recent Literature. Bibliography Series, Number Eleven.

Oregon Univ., Eugene. ERIC Clearinghouse on Educational Administration.
Spons Agency-Office of Education (DHEW), Washington, D.C. Bureau of Research.
Bureau No-BR-8-0353
Pub Date Apr 69
Contract-OEC-0-8-080353-3514-010
Note-23p.
EDRS Price MF-$0.25 HC-$1.25
Descriptors-*Administrative Personnel, *Annotated Bibliographies, Arbitration, Board of Education Role, *Collective Negotiation, Contracts, Grievance Procedures, Negotiation Agreements, Negotiation Impasses, Principals, Superintendent Role, Teacher Associations, Teacher Militancy, Teacher Salaries, *Techniques

This annotated bibliography contains 44 entries dealing with various administrator techniques used in collective negotiations. An index is provided for access to specific topics covered by the entries. These topics include (1) the scope and examples of negotiable items, (2) collecting and organizing background data, (3) the structure and composition of the negotiating team, (4) the negotiation environment, (5) ground rules and procedures for the process of negotiation, (6) proposals and counterproposals, (7) avoiding and resolving impasses, and (8) writing and implementing the final outcome. The entries date from 1966 to the present. (HW)

ED027643

OEC-0-8-080353-3514
BR-8-0353
PA 24



Administrator Techniques in Collective Negotiations: A Guide to Recent Literature

EA 002 221

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

Administrator Techniques in Collective Negotiations:

A Guide to Recent Literature

compiled and annotated by

Philip K. Piele and John S. Hall

April 1969

ERIC Clearinghouse on
Educational Administration
University of Oregon
Eugene, Oregon 97403

The ERIC Clearinghouse on Educational Administration operates under contract with the Office of Education of the United States Department of Health, Education and Welfare. This bibliography was prepared pursuant to that contract. Contractors undertaking such projects under government sponsorship are encouraged to express freely their judgment in professional and technical matters. Points of view or opinions do not, therefore, necessarily represent official Office of Education position or policy.

Bibliography Series, Number Eleven

Edited by Stuart C. Smith

PREFACE

The Educational Resources Information Center (ERIC) is a national information system operated by the U.S. Office of Education. ERIC serves the educational community by disseminating educational research results and other resource information that can be used in developing more effective educational programs.

The ERIC Clearinghouse on Educational Administration (ERIC/CEA), one of 19 such units in the ERIC system, was established at the University of Oregon in 1966. The Clearinghouse collects, indexes, and abstracts documents concerned with the leadership, management, and structure of public and private educational organizations on the elementary and secondary education levels. Documents processed by ERIC/CEA are announced together with documents processed by the other ERIC clearinghouses in Research in Education (RIE), ERIC's monthly index and abstract catalog. RIE is available in many libraries and by subscription for $21 a year from the U.S. Government Printing Office, Washington, D.C. 20402. Most of the documents listed in RIE can be purchased through the ERIC Document Reproduction Service, operated by The National Cash Register Company.

In addition to acquiring and processing documents, the Clearinghouse has another major function, that of information analysis and synthesis. ERIC/CEA prepares bibliographies, literature reviews, state-of-the-knowledge papers and other interpretive research studies in its educational area.

This annotated bibliography is unique for two reasons. It is the first such bibliography prepared by the Clearinghouse having an index that pinpoints specific topics covered. And it is also the first bibliography prepared as a guide for a particular readership, in this case, school managers who must negotiate with teacher organizations.

The compilers are Clearinghouse staff members. Philip K. Piele, Assistant Professor of Educational Administration at the University of Oregon, is Associate Director. John S. Hall, a doctoral student in political science, is a Document Analyst.

FOREWORD

Although collective negotiations in public education is a relatively recent phenomenon, the process has been widely adopted and legally sanctioned in many areas. If the current trend continues, an increasing number of school boards will enter into formal collective negotiations with teachers in the future. Given this apparently irreversible trend, many school administrators will be faced with the task of negotiating a formal labor contract for the first time. Since techniques and procedures play a vital role in the negotiation process, it would appear that the negotiators for school management should find useful, information and advice pertaining to the process of negotiation. This bibliographic review pinpoints recent literature describing and analyzing specific techniques and procedures which school administrators can use in negotiating with teachers.

Just who should serve on the negotiating team for school management is a matter of continuing controversy. The authors of works reported here disagree markedly over whether the board of education should use the superintendent or a group of administrators as its negotiating team, hire outside professional negotiators, or participate in the negotiations itself. For this reason we use "school administrators" in the broad sense to refer to whichever group represents school management at the bargaining table.

A large number of documents have been published which deal with collective negotiations in its historical, legal, political, economic, and social contexts. Although documents of this type contain invaluable information for anyone attempting a serious assessment of the longrange implications of collective negotiations in education, they are beyond the scope of this bibliography. Only documents and sections of documents which deal specifically with the tactics and procedures for negotiating with teachers and other public employees are cited. Documents are included for the years 1966 to present.

The organization of the bibliography is as follows: Part I is an outline-index which has been constructed to represent the major phases of the negotiation process. The numbers cited after the various topics of the outline refer to the bibliographic entries which are numbered in alphabetic order in Part II. Each entry is annotated and includes page references to those sections of the document discussed in the annotation. Thus, a reader may use the bibliography as a guide to locate all documents and portions of documents dealing with a specific phase of the negotiation process represented in the outline.

Philip K. Piele
John S. Hall

Part I

OUTLINE AND INDEX

I. Preparing for the Negotiation

A. Negotiable items

1. Scope 2,3,4,5,6,11,18,19, 22,23,24,27,28,30, 31,34,37,39,41,43

2. Examples 3,18,19,24,34,37,43

B. Collecting and organizing background data

1. Research methods and procedures 3,4,6,19,28,34,40, 41,42

2. Resource materials 3,6,19,28,34

3. Salary information 6,34,41,42

C. Structure and composition of the negotiating team 2,3,6,9,13,14,17,19. 20,22,27,30,31,34. 37,40,41

1. Selecting the negotiating team 3,6,13,14,17,18,19.20. 22,27,30,31,34,40,41

a. Skills 3,6,13,14,17,19,20,22, 34,40,41

b. Size 3,13,14,17,19,20,22. 34,40,41

2. Role of the board of education 1,13,17,19,20

3. Role of the superintendent 1,4,13,14,18,19,20,22, 34,37

4. Use of outside consultation 13,18,19,22,30,34

D. Environment 3,6,19,27,28,34,40,41

1. Facilities 3, 6, 19, 27, 28, 34, 40, 41

2. Location 3, 19, 27, 28, 34, 40, 41

3. Communications 19, 34, 40, 41

II. Process of Negotiation

A. Establishing ground rules and procedures 7, 19, 31, 34, 37, 40, 41

1. Agenda 3, 27, 34, 41

2. Timetable 2, 3, 6, 12, 27, 34, 41

3. Record keeping 3, 19, 34

4. Publicity policy 6, 7, 34

B. Proposals and counterproposals

1. Strategy and tactics 2, 3, 6, 7, 8, 12, 18, 19, 20, 22, 26, 28, 31, 34, 37, 40, 41

2. Estimating costs of teacher proposals 3, 6. 27, 28, 30, 31, 34, 42

3. Establishing a priority list of teacher proposals 3, 28, 31, 34

4. Answering teacher proposals with counterproposals 4. 5. 6, 18, 27, 28, 31, 34. 41

C. Impasse

1. Avoiding apparent impasses 3. 12, 34, 40

2. Mediation 3, 6, 19. 22, 27, 28, 30, 34, 35, 36. 37, 41, 44

3. Fact-finding 3, 6, 16, 18, 19, 22, 27, 28, 30, 34, 35, 37, 41, 44

4. Arbitration 3, 6, 19, 22, 27, 28. 29, 30. 34, 35, 37, 41, 44

a. Advisory 19, 22, 29, 35, 44

b. Binding 6, 19, 35, 44

5. Sources of mediators 6, 19, 28, 35, 44

III. Outcome of Negotiations

A. Writing the final agreement 3, 15, 19, 21, 25, 28, 34, 37, 41

1. Use of outside experts 7

2. Contract terms 6, 15, 19, 21, 34, 41

3. Sample clauses 3, 15, 19, 21, 41

4. Zipper and no-strike clauses 2, 19, 31, 34, 37

5. Termination 15, 21, 25, 37

6. Renewal 15, 21, 25, 37

7. Ratification 3, 6, 28, 34

8. Release 3, 6, 28, 34

9. Publication and distribution 6, 28, 34, 40

10. Actual AFT and NEA agreements compared 10, 19, 25

B. Implementing the agreement

1. Grievance procedures 2, 3, 19, 30, 32, 33, 34, 38, 41, 44

a. Third party 2, 44

b. Role of the principal 32, 38

c. Size of the school district 19

2. Sample arbitration cases 19

3. Contract administration 19, 30, 32, 34, 38, 41

Part II

ANNOTATED BIBLIOGRAPHY

1. Allen, R. B. Implications of collective negotiations for the role of superintendent. In R. B. Allen and J. Schmid (Eds.), Collective negotiations and educational administration. Fayetteville, Arkansas: College of Education, University of Arkansas and the University Council for Educational Administration, 1966. Pp. 115-126.

   Nine general implications which collective negotiations pose for the superintendent are discussed briefly. Positive and negative results which may occur when the school board acts as a "committee of the whole" in the negotiation process are described. (Pp. 121-122).

2. American Association of School Administrators. School administrators view professional negotiations. In S.M. Elam, M. Lieberman, and M.H. Moskow (Eds.), Readings on collective negotiations in public education. Chicago: Rand McNally, 1967.

   This article offers several suggestions for the consideration of school administrators about to enter into negotiations. Techniques and procedures related to the following segments of the negotiation process are discussed: Composition of the negotiating unit (pp. 206-207), what items are negotiable (pp. 207-209), timing of negotiations (p. 209), inclusion of a "zipper clause" in the final agreement (p. 209), grievances (pp. 210-211), mediation and appeal (p. 211), sanctions (p. 212), and strikes (p. 213).

3. American Association of School Administrators. The school administrator and negotiation. Washington, D. C.: AASA. 1968.

   This publication offers more comprehensive coverage of the items mentioned in citation number 2, above. Specific procedures are suggested for administrators to use in deciding the appropriate scope of items to be negotiated; a list of examples supplements this discussion (pp. 11-13). Also listed are 15 items which have frequently appeared on actual negotiation lists (p. 50). Administrators are further advised to answer seven basic questions prior to beginning formal negotiation (p. 47). Discussion of data collection techniques and the assimilation of this data into a "negotiation book" (pp. 52-55) adds a further dimension to suggested preparation activities.

   Discussion concerning the makeup of the management negotiating team includes: Description of desirable skills and qualities of team members (pp. 13-15), a list of participants in a typical school

negotiation process (p. 33), and presentation of the composition of a model negotiating team (p. 48). In preparing for negotiations administrators are reminded of the strategic importance of the negotiation setting; criteria for evaluating the type and location of facilities are offered (pp. 57-58). Procedural and tactical points to be considered upon entering the initial phase of formal negotiations include the scheduling of meetings (p. 58) and record keeping (pp. 55 and 81-82).

A discussion of administrative evaluation of and reaction to union proposals emphasizes accurate cost/resource analysis of union proposals and assignment of priorities to specific items. A list of suggested counterproposal strategies is also offered (pp. 59-62). A list of danger signs indicating the development of a deadlock situation (pp. 63-64) is followed by a description of methods available in case the deadlock actually occurs (pp. 64-65). Once a basic agreement has been reached, specific methods and procedures are recommended for formalizing, ratifying, and releasing the final agreement (pp. 68-69). A compendium of formal contract terms, including a glossary of definitions and positions taken with regard to these terms is also included (pp. 76-80). A brief discussion of steps to take in implementing the agreement (pp. 70-71) and in dealing with contract grievances (pp. 66-68) concludes this specific discussion of negotiation tactics and procedures.

4. Ball, L. B. Collective bargaining: a primer for superintendents. Saturday Review. 80 (January 21. 1967), 70-71+.

   Discussion focuses on the role of the superintendent in the negotiation process. Although the superintendent should not serve as a member of the formal negotiating team (p. 70), he should gather specific information for the negotiating team (p. 71). The author also recommends the development of a written procedure covering what items are to be negotiated "by teachers and the board in times of peace" (p. 70).

5. Becker, H. A. Collective bargaining may force school boards to organize. American School Board Journal, 153 (October 7. 1966), 57-58.

   Following a brief discussion of what items should be negotiated (p. 57). administrators are advised to issue firm counterproposals; seven examples of counterproposals issued by the Norwalk Board of Education in actual negotiation are listed (p. 58).

6. Berthoud. P. M., and others. The how-to of collective bargaining. Chicago: Public Personnel Association, 1968.

This publication is directed toward "public management" in an attempt to acquaint public managers, including school managers, with several basic techniques and procedures useful in formal negotiation.

Discussion of management preparation for negotiation includes a suggested procedure for evaluating and organizing management proposals (pp. 13-14) and a model "thought process" for management to use in evaluating union proposals (pp. 14-15). Advice on the necessity of gathering solid facts prior to negotiation (pp. 1-2) is followed by specific discussion of collection of wage and fringe benefit data (pp. 7-11). Duties and desirable qualities of the "chief negotiator" and other members of the negotiating team (pp. 3-6) and desirable physical arrangements for negotiations (pp. 17-18) are described.

A three-stage model is used to analyze the formal negotiation process. In the first (preliminary) stage, administrators are offered guidelines pertaining to the establishment of a specific timetable and ground rules to be followed in dealing with the press and public (pp. 17-20). At the second (intermediate) stage of negotiation, tactical advice on receiving union proposals (questioning and clarification of specific issues) and on issuing management counterproposals (use of reservations, caucuses, etc.) is offered (pp. 20-22). Many of the methods and techniques available for use in impasses are discussed and evaluated, including maximum reliance on voluntaryism (p. 36), knowledge of available mediation services (p. 38), timing of the appeal to a mediator (pp. 38-39), rewording the agreement as opposed to changing its content (p. 39), fact-finding (pp. 40-41 and 43-44), and binding arbitration (pp. 45-46). At the third (final) stage of negotiation, administrators are advised to have tentative agreements reduced to contract language (p. 22) and to offer assistance to the union in communication efforts following the agreement but prior to ratification elections (p. 33).

7. Buskin, B. Problem: dealing with an angry, militant teacher organization. School Management, 11 (June 1967), 76+.

   Specific procedures are recommended for three areas of the negotiation process. In the initial phase of negotiation. management representatives are advised to advocate the establishment of ground rules that prohibit new participants from entering negotiations and that allow no public announcements during negotiations (p. 84). As negotiations reach the second stage, management officials are cautioned to receive and clarify union proposals at one meeting, but to save reactions for tentative counterproposals at a future meeting (p. 81). When negotiators reach the final stage of a substantive agreement, retention of outside experts is recommended to evaluate the final documents (p. 81).

8. Clary, J. R. Pitfalls of collective bargaining in public employment. Labor Law Journal, 18 (July 1967), 406-411.

Although much of this article is devoted to generalized discussion of collective negotiation in public employment, the author does make specific recommendations concerning the functions of negotiating team members and the necessity of demanding complete proposals from the union (p. 410).

9. Cunningham, L. L. Implications for collective negotiations for the role of principal. In S. M. Elam, M. Lieberman, and M. H. Moskow (Eds.), Readings on collective negotiations in public education. Chicago: Rand McNally, 1967. Pp. 298-313.

This article points to several problem areas for the principal arising from teacher-school board negotiations. The author feels that principals should be involved more highly in the negotiation process, and amplifies this concern during his discussion of the "typical" composition of administrative negotiating teams (pp. 302-303).

10. Doherty, R. E., and Oberer, W. E. Teachers, school boards and collective bargaining: a changing of the guard. Ithaca, New York: New York State School of Industrial and Labor Relations, 1967.

Although the authors offer little advice on specific techniques of negotiation, they present an excellent analysis of the legal aspects of collective negotiation in public education. The work is highlighted by recommendations for future legislation in the field. The appendix includes a comparison of representative provisions of AFT and NEA agreements (pp. 127-136).

11. Doherty, R. E. Public interest at stake. American School Board Journal, 155 (October 1, 1967), 11-14.

Discussion is limited to the preparatory phase of the negotiation process. The need is emphasized for developing a set of explicit negotiation standards by the school board prior to entering the negotiation process (pp. 11-14).

12. Donovan, B. E. Speaking for management. In S. M. Elam, M. Leiberman, and M. H. Moskow (Eds.), Readings on collective negotiations in public education. Chicago: Rand McNally, 1967. Pp. 287-290.

The author briefly describes selected problem areas which should be anticipated by school administrators when preparing for negotiation. Specifically, administrators are offered advice concerning the timing

of negotiations and avoidance of a "cliff hanging" situation (p. 289).

13. Garber, L. O. How to free superintendents from negotiation hazards. Nations Schools, 77 (March 1966), 139.

    The focus of this article is on the composition of the negotiating team, with opposition expressed to use of the superintendent as the school board's chief negotiator. Among other alternatives, school boards are urged to consider the use of outside professional negotiation specialists; multidistrict cost sharing is proposed as a means of financing this consultation (p. 139).

14. Grieder, C. Superintendents can face union bargaining teams alone. Nations Schools, 78 (July 1966), 6.

    Necessary ingredients for a strong administrative negotiating team are briefly described (p. 6).

15. Hennessy, M. L. Labor contract clauses. Chicago: Public Personnel Association, 1968.

    This document is specifically directed to public administrators involved in the preparation of a formal labor contract. A brief discussion of general principles to be observed while drafting a labor contract in final form (pp. 1-4) is followed by sample model clauses selected from a variety of public agency agreements, including school agreements (pp. 5-34).

16. Hildebrand, G. H. The public sector. In J. T. Dunlop and N. W. Chamberlin (Eds.), Frontiers of collective bargaining. New York: Harper and Row, 1967. Pp. 125-154.

    The central focus of this article is on the evolution of the collective bargaining process in the public sector: An analysis of the similarities and divergencies of the public and private bargaining sectors provides an excellent framework for understanding the basic questions facing public officials who must react to public collective bargaining pressures. Although the article is general in scope, it deals specifically with impasses, describing a two-step fact-finding technique as the most reasonable alternative in an impasse situation (pp. 145-147).

17. Jamieson, R. A. The board's positive approach. American School Board Journal, 155 (November 1967), 13-16.

    School board members are urged not to participate directly in the negotiation process but, instead, to delegate their negotiation authority to an administrative team (p. 16).

18. Jones, R., and Cullens, V. Teacher negotiations in a militant age. Oregon School Study Council, 12 (October 1968), 1-10.

This brief document offers specific recommendations to administrators about to begin negotiations with teacher unions. In preparing for negotiation, administrators are advised to anticipate teacher demands; "typical" demands are listed (pp. 3-6). Discussion of the composition of the negotiating team includes a recommendation against including the superintendent on the team (p. 2) and for using outside professional negotiation expertise (p. 8). At the onset of actual negotiation, school administration negotiators are advised to require union negotiators to submit their total package of requests and to stipulate that no further requests be submitted in ensuing sessions (p. 2). A discussion of counterproposal tactics is accompanied by a list of 10 examples (pp. 2-3). In impasse situations, fact-finding is suggested as the most desirable technique (p. 3).

19. Lieberman, M., and Moskow, M. H. Collective negotiations for teachers: an approach to school administration. Chicago: Rand McNally, 1966.

Probably the most comprehensive and detailed analysis of collective negotiations in education yet published, Lieberman and Moskow's work seems essential as a resource for school administrators concerned with collective negotiations. A substantial effort is made to acquaint the reader with the historical and philosophical roots of collective negotiation in education, and a thorough review of the legal, political, social, and economic implications firmly establishes the relevance of increased concern and inquiry surrounding collective negotiations in education.

Accompanying the more general discussion of the negotiation process are specific tactical and procedural suggestions covering all phases of the negotiation process. Initially, administrators are advised of the importance of anticipating the teachers' proposals (p. 153) and of developing a planned set of priorities of their own proposals prior to negotiation (pp. 284-285). The use of internal prenegotiation meetings is suggested as a means for evaluation of priorities (p. 255). Discussion of negotiation preparation activities also includes advice concerning data acquisition and utilization techniques (pp. 255-257). Discussion of the composition of the administrative negotiating team is supplemented by description of the typical makeup of negotiating teams in large, medium, and small school districts and by analysis of the use of outside professional negotiators (pp. 249-253). Administrators are also advised to give early attention to the questions of where to negotiate (pp. 257-258) and of what communications arrangements should be made (p. 282).

As the authors point out, "There is no clear-cut line between 'preparing for negotiations' and actual negotiations" (p. 253). However, several suggestions are offered which should prove most useful to the administrator as he actually begins the formal process of negotiation. Analysis of negotiation tactics (pp. 282-286) coupled with a review of such procedural devices as verbatim records, parliamentary procedure, caucuses, and subcommittees (pp. 258-260) provide the administrator with a solid strategic basis for formal negotiation. In case of impasse, alternative procedures and techniques, including mediation, fact-finding, binding arbitration, and advisory arbitration are described (pp. 314-321). The authors also describe the composition and role of an "Agreement Assistance Panel" and offer an example of fact-finding procedures used in an actual deadlock (pp. 708-722).

Moving from the area of issue negotiation to preparation of a final contract can be a critical phase in the negotiation process. The authors present specific comments and recommendations concerning a variety of clauses and points which should be covered in the formal contract (pp. 325-353). The full texts of two formal collective agreements (New Haven, 1966 and New York, 1965) are included for illustrative purposes (pp. 594-678). Administrators are offered a number of suggestions relating to effective implementation and administration of the formal contract. Grievance procedures are discussed in terms of evaluative criteria, effective characteristics, and size of school district (pp. 359-366), and sample arbitration cases in public education are presented (pp. 702-707). Concluding comments are directed at the administrative allocation of line-staff authority under collective agreements (pp. 366-369).

The authors include two additional resource sections which should prove helpful to anyone attempting to increase their understanding of collective negotiations in education: (1) A glossary of collective negotiation terms (pp. 415-430), and (2) a comprehensive bibliography with 346 entries (pp. 431-446).

20. Manning, W. R. Negotiations: the process in collective bargaining. American School Board Journal, 153 (August 1966), 14-16.

The author briefly suggests some "common sense reminders" for administration teams preparing for negotiation with teachers (pp. 15-16) and discusses the formulation of a specific strategy to be used in negotiation (p. 15). He prescribes an admnistrative negotiating team consisting of from three to five members, including the superintendent, but excluding members of the school board (p. 15).

21. Marceau, L. Drafting a union contract. Boston: Little, Brown, 1965.

The author presents an excellent discussion of the step-by-step procedures involved in the creation of a final agreement. Although his comments are directed toward private negotiation, they would be applicable to collective negotiation in the public sector in terms of the necessary tools and practical techniques of drafting an agreement (pp. 1-321).

22. Metzler, J. A journal of collective negotiations. Trenton: New Jersey State Federation of District Boards of Education, 1967.

Following a short review of the background and history of the bargaining process, the author makes specific recommendations relevant to several phases of the negotiation process. According to the author, administrators should prepare for negotiation by systematically determining long- and short-range goals and by relating these goals to the negotiation process (pp. 21-24). Desirable characteristics for negotiating team members are listed, and the use of consultants, attorneys, administrators, and superintendents as members of the negotiating team is discussed (pp. 25-27).

The author lists 16 tactical considerations for administrative use during the actual negotiation process (pp. 23-24). Emphasis is placed on the importance of general communication during this phase of the negotiation process (pp. 27-33). The following alternatives available in case of impasse are discussed: Mediation (p. 52), fact-finding (p. 53), and advisory arbitration (pp. 54-63).

The work is concluded by a general, but highly interesting, assessment of the future direction of collective negotiation in education (pp. 81-95).

23. Metzler, J. H., and Knade, O., Jr. A tranquilizer for negotiations. American School Board Journal, 155 (December 1967), 12-13.

In this short article, discussion centers on the question of what is negotiable. The authors advocate the use of a technique described as "structural consultation" on certain policy items as a supplement to collective negotiation techniques (pp. 12-13).

24. Mosier, R. H. What is negotiable? School Management, 10 (September 1966), 163-164.

A set of criteria are offered for use in determining which items are negotiable; a table of examples is included (pp. 163-164).

25. Moskow, M. H. Teachers and unions: the applicability of collective bargaining to public education. Philadelphia: University of Pennsylvania, Wharton School of Finance and Commerce, Industrial Research Unit, 1966.

This book is, for the most part, an assessment of the general trends in collective negotiation in education, based on a comparative analysis of 20 school districts. Extensive treatment is given to creation of a final written agreement and to negotiable items (pp. 219-223). Inclusion of a "terminable at will" clause is discussed (pp. 224-228), and a comparative analysis of the types of clauses contained in 15 written agreements in public education is presented (pp. 233-244).

26. Negotiating with teachers. School Management, 10 (June 1966), 78-84.

School administrators are advised to solicit a "total package" proposal from the union and to negotiate on the basis of that total package (as opposed to individual items) (pp. 81-83).

27. Openlander, S. L. How districts can organize themselves before negotiations with employees start. Nations Schools, 80 (September 1967), 99-100.

A brief but specific list of tactical/procedural suggestions covers the following topics: Establishment of a general negotiation policy prior to entering into negotiations, creation of a specific timetable, preparation of a joint agenda, thorough cost research, selection of negotiating team members, creation of a proper setting, formulation of counterproposals, and utilization of impasse procedures (pp. 99-100).

28. Personnel Management Service. The techniques of negotiation in public education. Washington, D.C.: Educational Service Bureau, 1966.

Six necessary steps in planning for negotiation are discussed (pp. 2-5), followed by suggestions for anticipating basic issues and devising initial research procedures (pp. 5-7). A description of techniques useful in evaluating teacher demands, e.g., determining exact costs and establishing priorities (pp. 7-11), coupled with suggestions for formulating counterproposals (pp. 11-15), represent a clear and specific statement of the proposal/counterproposal process in negotiation. The authors discuss procedures available in case of impasse (mediation, arbitration, and fact-finding) and also indicate the sources of mediators (pp. 20-24). After reaching agreement on the issues, administrators are reminded of several critical considerations while

drafting the formal contract, including writing, checking, signing, and distributing the final agreement (pp. 17-20).

29. Potts, G. A summer school short course in teacher negotiation. Monthly Labor Review, LXXXIX (August 1966), 847-850.

    Advice on procedures is limited to a discussion of the use of advisory arbitration in case of impasse (pp. 849-850).

30. Rehmus, C. M. Public management and collective negotiations. In R. B. Allen and J. Schmid (Eds.), Collective negotiations and educational administration. Fayetteville, Arkansas: College of Education, University of Arkansas and the University Council for Educational Administration, 1966.

    Comments on the negotiation process are presented within a three-step framework: (1) Preparing for the negotiation, (2) the negotiation process, and (3) planning for the administration of the new agreement. In the first stage, suggestions are offered relating to composition of the negotiating team, utilization of outside consultants, and anticipation of employee demands. Although discussion of the second stage (the negotiation process) is short and general, it does include specific methods for dealing with impasses (pp. 70-71) and with a salary proposal in a "closed budget" situation (pp. 68-69). In the final stage, administrators are advised of some basic principles of contract administration, including grievance procedures and staff communication (pp. 69-70).

31. Rhodes, E. F. How to negotiate with your teachers - without surrendering. School Management, 10 (September 1966), 110-114+.

    School administrators are advised to take the initiative in the negotiation process. Specific tactical suggestions offered for use in the preparatory stages concern the establishment of basic procedures, the determination of what is negotiable, and the composition of the negotiating team (pp. 112-114). A priority system for evaluation of teacher demands (p. 164) and some cost evaluation techniques (p. 114) are recommended for use in the actual negotiation process. The author also strongly advocates the "quid pro quo" approach to the formulation of counterproposals (pp. 160-162). Finally, school administrators are advised to try for inclusion of "zipper" and no-strike clauses in the final agreement (p. 172).

32. Rhodes, E. F., and Long, R. P. The principal's role in collective negotiation. Washington, D.C.: Educational Service Bureau, 1967.

The focal point of this analysis is on how the collective negotiation process affects the principal's relationship with his teachers and superiors and his status as "middle management." Discussion of specific techniques in the negotiation process is limited to the principal's role in implementation of the agreement (pp. 34-39) and in grievance procedures (pp. 39-47).

33. Schultz, A. F. Legal aspects of handling grievances. In Robert M. Helms (Ed.), Handling employee grievances. Chicago: Public Personnel Association, 1968.

Some of the basic characteristics of effective grievance procedures are discussed in this brief article directed toward public administrators (pp. 24-26).

34. Shils, E. B., and Whittier, C. T. Teachers, administrators and collective bargaining. New York: Thomas Y. Crowell, 1968.

This comprehensive document deals with the historical and philosophical as well as the tactical and procedural aspects of collective negotiation in public education. An extremely high degree of specificity and clarity highlight the sections dealing with tactics and procedures. As a consequence, school administrators should find the book to be a highly valuable resource.

Advice for administrators in the early phases of negotiation preparation is included in the sections dealing with determining the scope and definitions of items to be negotiated (pp. 356-366 and 502-508). Discussion of prenegotiation activity also includes lists of research procedures and useful source documents (pp. 336-340) and a description of the specific salary information needed by the school administration (p. 487). Analysis of the composition of the negotiating team includes discussion of the size of the team, the personal qualifications of team members, the use of specialized personnel, and the use of a superintendent's advisory negotiating team (pp. 328-336). The need for planning a pleasant environment for negotiation is stressed (pp. 345-347).

Once school administrators begin the formal negotiation process, they are offered advice on methods for establishing procedures relating to the following topics: (1) Basic ground rules and time and duration of the negotiation sessions (pp. 343-346); (2) recording the sessions - personnel and methods (pp. 351-352); (3) coordinating session agendas (p. 352); and (4) establishing a publicity policy (p. 400). Tactics which should be considered during formulation of "opening moves" (pp. 393-397) and a procedure for costing teacher demands and establishing

workable alternatives are described (p. 422). Advice on the strategy of issuing counterproposals (pp. 398-399) is accompanied by recommendations for appropriate board positions on various teacher demands (pp. 425-433) and a list of types of teacher demands which should be rejected (pp. 482-502). Salient points to consider in deciding when the salary package should be negotiated are outlined (p. 483). Methods which could prove helpful in the effort to avoid impasses are emphasized (pp. 399 and 401-402), and procedures available in case of impasse are described (p. 463).

In the final stages of negotiation, school administrators will benefit by reading the authors' comments on the techniques of drafting the final agreement (pp. 521-526). The authors advocate the inclusion of "zipper" and no-strike clauses (pp. 402-403) and describe procedures for obtaining board ratification and signature of the parties (p. 404). Advice on the techniques of the final publicity release is also included in this section (pp. 403-404). The authors conclude their discussion of the negotiation process by listing characteristics of sound grievance procedures (pp. 446-447) and by describing techniques that could prove helpful in living with the agreement (pp. 527-538).

35. Slavney, M. Impasse procedures in public education. In S. M. Elam, M. Lieberman, and M. H. Moskow (Eds.), Readings on collective negotiations in public education. Chicago: Rand McNally, 1967. Pp. 426-432.

A penetrating, specific discussion of impasse procedures answers the following salient questions which negotiators are likely to face in an impasse situation: (1) Who should mediate? (pp. 426-427); (2) how shall mediation be initiated? (p. 427); (3) should the arena of mediation be public or private? (pp. 427-428); (4) under what circumstances is fact-finding the most useful impasse procedure? (pp. 428-430); and (5) under what circumstances should binding arbitration be considered? (pp. 430-431).

36. Stevens, C. M. Mediation and the role of the neutral. In J. T. Dunlop and N. W. Chamberlin (Eds.), Frontiers of collective bargaining. New York: Harper and Row, 1967. Pp. 271-290.

Within the framework of a general theory of mediation, the author offers an excellent analysis of the functions and tactics of mediation; the timing of intervention is stressed (pp. 274-290).

37. Stinnett, T. M., Kleinmann, J. H., and Ware, M. Professional negotiation in public education. New York: MacMillan, 1966.

This explication of the NEA position on negotiation in education includes an analysis of State legislation affecting negotiation in public education, followed by the NEA viewpoint on future legislative needs. Although the tactical and procedural suggestions are obviously not directed toward school administrators, administrators faced with the task of negotiating with NEA representatives would probably benefit by reviewing the organization's position on the following topics:

(1) Negotiable items (pp. 57-58 and 154-155),
(2) Structure and composition of negotiating teams (pp. 62-63),
(3) Examples of desirable procedural rules (pp. 63-65),
(4) Useful methods and techniques for reaching agreement (pp. 65-66),
(5) Impasse procedures and methods (pp. 91-93),
(6) Techniques for writing up items that are agreed upon (p. 71) and contract provisions for changing or amending agreements and for renewal of agreements (pp. 72-73), and
(7) Role of the superintendent in negotiation (pp. 101-120).

38. Taffel, A. The principal and teacher-school board negotiations. The Bulletin of the National Association of Secondary School Principals. 52 (September 1968), 71-83.

The author outlines forces and conditions stemming from the collective negotiation process with which the principal must learn to cope, and prescribes a solution to the dilemma of the principal as the "man in the middle." Specific advice for the handling of teacher grievances is provided (p. 76).

39. Turnbaugh, R. C. How to set teacher negotiation policy. Nations Schools, 77 (March 1966), 134+.

This article is a description of one small school district's (Geneva, Illinois, 2,400 enrollment) reaction to its first organized teacher proposal. From this experience, the author's primary recommendation is that school boards establish a firm negotiation policy prior to the formal negotiation process (pp. 134+).

40. United States Civil Service Commission. Consultation and negotiation techniques. In S. M. Elam, M. Lieberman, and M. H. Moskow (Eds.), Readings on collective negotiations in public education. Chicago: Rand McNally, 1967, Pp. 389-402.

This article offers negotiation guidelines for Federal establishments which have not previously negotiated agreements. The highly specific

and practical suggestions should prove useful to managers of any governmental unit, including school administrators. Procedures for assembling factual data are outlined (p. 328). Selection of the negotiating committee and the specific roles of the committee's spokesman and other members are discussed (pp. 390-391). Advice is also offered for planning physical arrangements such as the location of negotiations, necessary communication devices, and time and length of negotiation sessions (p. 395).

Managers are offered a procedure for outlining the issues at the opening of negotiations (pp. 396-397). Methods of responding to union proposals are suggested (pp. 397-398), and techniques useful in avoiding impasses are discussed (p. 399). Once agreement has been reached, managers are offered methods for publishing and distributing the agreement (pp. 400-401).

41. Warner, K. O., and Hennessy, M. L. Public management at the bargaining table. Chicago: Public Personnel Association, 1967.

As one of the most comprehensive works dealing with the process of public collective bargaining, this book offers valuable information for the school administrator. In a stimulating and unique format, the authors' narrative is supplemented by practical advice from labor relations experts.

The authors and negotiation experts exchange opinions and information on such preparatory activities as anticipation of negotiable items (pp. 181-184), questions to be answered by administrators before entering into formal negotiations (pp. 411-421), acquisition of bargaining data (pp. 186-189), and consideration of types of facilities desirable for negotiation (p. 160). Criteria, procedures, and practical advice for establishing the negotiating committee are also discussed (pp. 156-158, 174-181, and 327-328).

Areas of initial importance as negotiations begin are described as including the establishment of general preliminary procedures, record-keeping procedures, and the agenda (pp. 193-197). Management officials are also offered tactical bargaining advice for use throughout the negotiation process, including methods for issuing counterproposals (pp. 197-200). Procedures for dealing with impasses are described and evaluated (pp. 200-202).

The authors and experts discuss the type, content, and form of the final agreement (pp. 203-209) and conclude their discussion of the negotiation cycle by describing techniques for living with the contract

on a day-to-day basis--administering the contract, arbitration of contract disputes, etc. (pp. 210-215).

42. Weiford, D. G. Organizing municipal management for employee relations. In S. M. Elam, M. Lieberman, and M. H. Moskow (Eds.), Readings on collective negotiations in public education. Chicago: Rand McNally, 1967.

In this brief discussion of major management steps in the negotiation process, emphasis is placed on procedures for assembling factual data and on measurement of the financial impact of union requests (pp. 328-329).

43. Wildman, W. A. What's negotiable? American School Board Journal, 155 (November 1967), 7-10.

Discussion is confined to the process of determining what items should be negotiated. An evaluation of the distinction between "educational policy" and "working conditions" could prove helpful to administrators concerned with this problem (pp. 7-10).

44. Zack, A. M. Mediation and arbitration procedures. In R. M. Helms (Ed.), Handling employee grievances. Chicago: Public Personnel Association, 1968. Pp. 31-39.

The author presents a clear discussion of mediation, fact-finding, advisory arbitration, binding arbitration, and designation of the mediator, and relates these procedures to disputes occurring during contract negotiations and to grievance disputes occurring after the adoption of the contract (pp. 34-38).